

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

COLE GUSTIN, by and through DOROTHY)
KYLE and JOSEPH KYLE, Guardians Ad Litem,) Case No. 2:14-cv-00700-RCJ-CWH
Plaintiff,) **ORDER**
vs.)
PLANO MOLDING COMPANY, et al.,)
Defendants.)

Presently before the Court is Third-Party Plaintiff Doskocil Manufacturing Company's ("Doskocil") Motion to Compel Supplementary Discovery Responses from Third-Party Defendant Carmen Gustin (ECF No. 159), filed on April 28, 2016. Third-Party Defendant Carmen Gustin did not file a response, which was due May 16, 2016.

In its motion, Doskocil requests that Ms. Gustin supplement her response to Interrogatory 2 of Doskocil’s First Set of Interrogatories, which requested the address and telephone number of Ms. Gustin’s son, Spenser Chaney Gustin. (Mot. to Compel (ECF No. 159) at 2.) Although Ms. Gustin responded that she did not know Spenser’s address or telephone number, Doskocil represents that it believes Ms. Gustin provided that information to Dr. Loong, Plaintiff Cole Gustin’s neuropsychological expert, because Dr. Loong testified at his deposition that he spoke to Spenser on the telephone on March 27, 2016. (*Id.* at 3.) In its motion, Doskocil describes the unsuccessful attempts that it made to meet and confer with Ms. Gustin’s former attorney regarding this dispute. (*Id.*) Doskocil requests that the Court compel Ms. Gustin to supplement her answer to Interrogatory 2 with any information she has about Spenser’s address, location, or contact information. (*Id.* at 5.) It further requests that the Court order Ms. Gustin to pay the costs and fees that Doskocil incurred in bringing this motion. (*Id.* at 4, 6.)

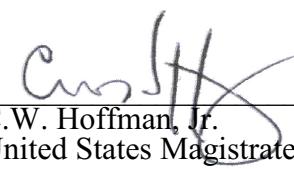
Given that Ms. Gustin did respond to the motion, the Court will grant the motion as unopposed. *See Local Rule 7-2(d)* (stating that the “failure of an opposing party to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion.”). For the reasons stated in the motion, the Court will order Ms. Gustin to supplement her response to Interrogatory 2. *See Fed. R. Civ. P. 26(e)(1)* (requiring a party who has responded to an interrogatory to supplement or correct its response if the party learns that the response is incomplete or incorrect, or as ordered by the court). Additionally, the Court will order Ms. Gustin to pay the reasonable attorney’s fees and costs incurred by Doskocil in having to bring the motion. *See Fed. R. Civ. P. 37(a)(5)(A)* (stating that if a motion to compel is granted, the court must require the party whose conduct necessitated the motion “to pay the movant’s reasonable expenses incurred in making the motion, including attorney’s fees.”).

IT IS THEREFORE ORDERED that Third-Party Plaintiff Doskocil Manufacturing Company’s (“Doskocil”) Motion to Compel Supplementary Discovery Responses from Third-Party Defendant Carmen Gustin (ECF No. 159) is GRANTED.

IT IS FURTHER ORDERED that by July 11, 2016, Third-Party Defendant Carmen Gustin must supplement her response to Doskocil’s Interrogatory 2 with any information she has about Spenser Gustin’s address, location, or contact information.

IT IS FURTHER ORDERED that by July 11, 2016, Third-Party Plaintiff Doskocil Manufacturing Company and Third-Party Defendant Carmen Gustin must meet and confer regarding the amount of reasonable attorney’s fees and costs that Ms. Gustin will pay to Doskocil to compensate Doskocil for having to bring this motion.

DATED: June 23, 2016


C.W. Hoffman, Jr.
United States Magistrate Judge